

DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP

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201-347-2146

Attorneys for Defendant Borough of Ringwood and Police Officer Brett L. Salle

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STEPHEN A. LAUCELLA,

Plaintiff

vs.

BOROUGH OF RINGWOOD, BRETT L.
SALLE, & JOHN DOE 1-10 (a fictitious
name),

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – BERGEN COUNTY
DOCKET NO.: BER-L-4865-22

A Civil Action

**NOTICE OF FILING
NOTICE OF REMOVAL**

TO: The Judges of the United States District
Court for the District of New Jersey

PLEASE TAKE NOTICE that in the above-entitled action the Attorneys for Defendant Borough of Ringwood and Police Officer Brett L. Salle, (hereinafter collectively referred to as “Removing Defendants”) hereby remove the above-entitled action from Superior Court of New Jersey, Bergen County to the United States District Court for the District of New Jersey pursuant to 28 U.S.C.A. §1446 for reason of federal question jurisdiction pursuant to 28 U.S.C.A. §1331.

In support of this Notice of Removal, Removing Defendants state:

1. On or about September 22, 2022, the Removing Defendants through service or otherwise, first received Plaintiff’s Summons and Complaint, September 7, 2022, in the Superior Court of New Jersey, Law Division, Bergen County. See Summons and Complaint of Plaintiff, annexed hereto as Exhibit “1”.

2. The Plaintiff seeks relief against the Removing Defendants under the United States Code, namely 42 U.S.C. §1983 for deprivation of rights. See Complaint pgs 5-6.

3. As of this date, Removing Defendants have not filed a responsive pleading in the action commenced by Plaintiff in the Superior Court of New Jersey, Bergen County.

4. All pleadings, process, orders, and other filing in the state court action are attached to this notice, as required by 28 U.S.C. §1446(a).

5. The Borough of Ringwood and Police Officer Brett L. Salle, represented herein, are the only named Defendants in this matter and thereby seek the removal to Federal Court.

6. This notice is timely filed with this Court pursuant to 28 U.S.C. §1446(b).

WHEREFORE, Removing Defendants pray that the above-captioned matter now pending against them in the Superior Court of New Jersey, Bergen County, be removed therefrom to the United States District Court for the District of New Jersey.

DeCotiis, FitzPatrick, Cole & Giblin, LLP
Attorneys for Defendant Borough of Ringwood and Police
Officer Brett L. Salle

By: _____


R. Scott Fahrney, Esq.

Dated: October 12, 2022

CERTIFICATION OF SERVICE

I hereby certify that on this day I caused to be served via ECF a copy of the within Notice of Removal, as well as Notice of Filing of Notice of Removal, upon:

VIA ECF ONLY

Clerk of the Court,
Federal District Court for New Jersey
50 Walnut Street
Room 4015
Newark, N.J. 07101

VIA Certified and Regular Mail, RRR

Jeremiah P. Haqq
Plaintiff *pro se*
175 County Road 519 South
Belvidere, N.J. 07823

Via N.J. E-Courts
Clerk of the Court
Warren County Superior Court – Law Division
413 Second St.
Belvidere, N.J. 07823

Kaufman, Semeraro & Leibman, LLP
Attorneys for Defendant County of Warren, i/p/a
Warren County Correctional Center

By: _____


R. Scott Fahrney, Esq.

Dated: October 12, 2022

EXHIBIT 1

EDWARD W. CILLICK, ESQ. - #018971979
CILLICK & SMITH, ESQS.
25 Main Street, Ste. 202
Court Plaza North
Hackensack, NJ 07601
(201) 342-0808p
Attorneys for Plaintiff

STEPHEN A. LAUCELLA

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.:

Plaintiff,

Civil Action

vs.

BOROUGH OF RINGWOOD,
BRETT L. SALLE, & JOHN DOE 1-10
(a fictitious name)

COMPLAINT & JURY DEMAND

Defendants.

Plaintiff, Stephen A. Laucella residing at 683 Drexel Road, in the Borough of Paramus,
County of Bergen, and State of New Jersey, by way of Complaint against the defendants, says:

FIRST COUNT

(Malicious Prosecution)

1. On or about September 15, 2020, Defendant Brett L. Salle, a police officer for the Borough of Ringwood, filed a complaint against the Plaintiff falsely accusing him of having committed the crime of Theft of a Motor Vehicle in violation of N.J.S.A. 2C:20-3A, a third degree crime and Defiant Trespass in violation of N.J.S.A. 2C:18-3B, a petty disorderly persons offense.

2. As a result of the criminal complaint, Plaintiff was arrested by Defendant Salle and/or defendant John Doe 1-10, members of Defendant Borough of Ringwood Police Department.
3. The motor vehicle in question underlying the Plaintiffs arrest was leased to Plaintiff at the time of the arrest.
4. Although proof of the lease was provided to Defendants, he still nonetheless was arrested on the criminal complaints as set forth above.
5. No proofs were ever provided to the defendants to support a Defiant Trespass charge.
6. Thereafter, this matter was reviewed by the Passaic County Prosecutors Office and downgraded to Bloomingdale Municipal Court after after venue was changed from Ringwood Municipal Court.
7. On or about April 7, 2021, the downgraded complaints filed against Plaintiff were dismissed in Bloomingdale Municipal Court without stipulation to probable cause.
8. The prosecution was commenced and instituted by the defendants without basis, merit, or truth, or probable cause and was done maliciously and with the intent to harm plaintiff.
9. As a result of the malicious prosecution by the defendant, the plaintiff was injured, suffered in his reputation, expended sums of money on his defense, was prevented from following his customary pursuits in his usual occupation, and was otherwise damaged.
10. In accordance N.J.S.A. 59:1-1 et seq. Plaintiff, through his attorney, has served upon defendants, a verified written notice of his claim for damages within 90 days after the

occurrence set forth in the complaint herein.

111. More than six months has elapsed since the notice of claim was served on the Defendants and the defendants have neglected and refused to make payment on said claim.

WHEREFORE, plaintiff Stephen A. Laucella demands Judgment against defendants Borough of Ringwood, Brett L. Salle, and John Doe 1-10 (a fictitious name) jointly, severally or in the alternative for damage together with attorneys fees, interest and costs of suit.

SECOND COUNT

(Intentional Infliction of Emotional Distress)

1. Plaintiff repeats and realleges each and every paragraph of the First Count of the Complaint as if set forth at length herein.
2. The defendant's actions were done intentionally and maliciously, knowing same to be false.
3. The defendant's actions intentionally inflicted emotional distress on plaintiff.
4. As a result of the intentional conduct of Defendants, Plaintiff was damaged, sustained injuries causing permanent damage, will in the future incur expenses for the treatment of said injuries; has suffered injury to his reputation, expended sums of money on his defense, was prevented from following his customary pursuits in is usual occupation, and was otherwise damaged.

WHEREFORE, plaintiff Stephen A. Laucella demands Judgment against defendants Borough of Ringwood, Brett L. Salle, and John Doe 1-10 (a fictitious name) jointly, severally or in the alternative for damage together with attorneys fees, interest and costs of suit.

THIRD COUNT

(Harassment)

1. Plaintiff repeats and realleges each and every paragraph of the First and Second Counts of the Complaint as if set forth at length herein.
2. Defendants actions were made in an effort to annoy and/or cause harm to plaintiff.
3. Defendants actions were harassing in nature.
4. As a result of the harassing conduct of the defendants, Plaintiff was damaged, sustained injuries causing permanent damage, will in the future incur expenses for the treatment of said injuries; has suffered injury to his reputation, expended sums of money on his defense, was prevented from following his customary pursuits in is usual occupation, and was otherwise damaged.

WHEREFORE, Plaintiff Stephen A. Laucella demands Judgment against defendants Borough of Ringwood, Brett L. Salle, and John Doe 1-10 (a fictitious name) jointly, severally or in the alternative for damage together with attorneys fees, interest and costs of suit.

FOURTH COUNT

(False Arrest/False Imprisonment)

1. Plaintiff repeats and realleges each and every paragraph of the First, Second, and Third Counts of the Complaint as if set forth at length herein.
2. Defendants intentionally detained and/or restrained plaintiff in his personal liberty or freedom of movement by arresting him.

3. Defendants had no legal right to arrest the plaintiff and his confinement was for an unreasonable period of time.
4. Defendants had no reasonable basis to believe that plaintiff committed the crimes set forth herein above.
5. The defendants did not have reasonable or probable cause to believe that the plaintiff committed the crime set forth above.
6. As a result of plaintiff's false arrest by defendants, plaintiff was damaged, sustained injuries causing permanent damage, will in the future incur expenses for the treatment of said injuries; has suffered injury to his reputation, expended sums of money on his defense, was prevented from following his customary pursuits in his usual occupation, and was otherwise damaged.

WHEREFORE, plaintiff Stephen A. Laucella demands Judgment against defendants Borough of Ringwood, Brett L. Salle, and John Doe 1-10 (a fictitious name) jointly, severally or in the alternative for damage together with attorneys fees, interest and costs of suit.

FIFTH COUNT

(42 U.S.C. § 1983- Deprivation of Civil Rights)

1. Plaintiff repeats and realleges each and every paragraph of the First, Second, Third, Fourth Counts of the Complaint as if set forth at length herein.
2. Defendants acted under the color of statute, ordinance, regulation, and usage causing defendants improper and illegal arrest.
3. As a result of Defendants actions under the color of law, Plaintiff, a citizen of the United States was deprived of his civil rights, privileges, and immunities secured by

the Constitution and laws of the United States and New Jersey.

4. As a result of the actions of Defendants herein, plaintiff was damaged, sustained injuries causing permanent damage, will in the future incur expenses for the treatment of said injuries; has suffered injury to his reputation, expended sums of money on his defense, was prevented from following his customary pursuits in his usual occupation, and was otherwise damaged.

WHEREFORE, plaintiff Stephen A. Laucella demands Judgment against defendants Borough of Ringwood, Brett L. Salle, and John Doe 1-10 (a fictitious name) pursuant to 42USC§1983 jointly, severally or in the alternative for damage together with attorneys fees, interest and costs of suit.

SIXTH COUNT

(Tortious Interference Contractual Relationship)

REVIEW APPROPRIATE MODEL JURY CHARGE FOR WORDING

1. Plaintiff repeats and realleges each and every paragraph of the First, Second, Third, Fourth and Fifth Counts of the Complaint as if set forth at length herein.
2. At the time of Plaintiff's arrest herein, Plaintiff had arrangements to return the vehicle underlying the lease herein to a dealership.
3. As a result of the actions of the defendants herein, Plaintiff was unable to return the leased vehicle to the dealership.
4. Due to the actions of the defendants as set forth herein above, Plaintiff was caused to lose monies on the leased vehicle and was damaged.

WHEREFORE, plaintiff Stephen A. Laucella demands Judgment against defendants Borough of Ringwood, Brett L. Salle, and John Doe 1-10 (a fictitious name) jointly, severally or in the alternative for damage together with attorneys fees, interest and costs of suit.

JURY DEMAND

The plaintiff hereby demands a trial by jury on all issues so triable herein.

CERTIFICATION PURSUANT TO R.4:5-1


The undersigned hereby certifies to the best of my knowledge, information and belief, that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding. No other action or arbitration proceeding is contemplated to the best of my knowledge, information and belief.

DESIGNATION OF TRIAL COUNSEL

Plaintiff herein designates Edward W. Cillick, Esq. as trial counsel in this matter.

Dated: September 7, 2022

CILLICK & SMITH, ESQS.

BY: 
Edward W. Cillick, Esq.
Attorney for Plaintiff

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-004865-22

Case Caption: LAUCELLA STEPHEN VS BOROUGH OF RINGWOOD

Case Initiation Date: 09/07/2022

Attorney Name: EDWARD W CILLYCK

Firm Name: CILLYCK & SMITH

Address: 25 MAIN ST COURT PLAZA NORTH

HACKENSACK NJ 07601

Phone: 2013420808

Name of Party: PLAINTIFF : Laucella, Stephen, A

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: TORT-OTHER

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Stephen A Laucella? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

09/07/2022
Dated

/s/ EDWARD W CILLYCK
Signed

